

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEHAINA BAILEY, by his mother and
natural guardian Marcia Murray,

Plaintiff,

DECLARATION OF SERVICE
07 Civ. 7781 (WHP)(FM)

- against -

THE CITY OF NEW YORK, "JOHN DOE 1-
5," the names being fictitious and presently
unknown, being Police Officers employed
by the City of New York,

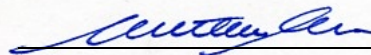
Defendants.

-----x

STATE OF NEW YORK)
 : SS. :
COUNTY OF KINGS)

MATTHEW FLAMM, declares the following under penalty of perjury
pursuant to 28 U.S.C. §1746:

That on August 31, 2007, I served the SUMMONS AND COMPLAINT upon
defendant City of New York, at The New York City Law Department, 100 Church
Street, New York, New York, that being an address within the State theretofore
designated for that purpose, by personally delivering a copy thereto as evidenced
by the date/time stamp appearing on the annexed copy of the Summons and the
first page of the Complaint.



Matthew Flamm

Judge Pauley

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEHAINA BAILEY, by his mother an natural
guardian Marcia Murray,

Plaintiff,

- against -

SUMMONS
IN A CIVIL CASE

THE CITY OF NEW YORK, "JOHN DOE 1-
5," the names being fictitious and presently
unknown, being Police Officers employed by the
City of New York,

Defendants.

To: THE CITY OF NEW YORK, 100 Church Street, New York, NY 10007; "JOHN
DOE 1-5"

07 CIV 7781
2007 AUG 31 PM 4:40
CITY OF N.Y. LAW DEPT.
OFFICE OF CORP. COUNSEL
COMMUNICATIONS SECTION

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S
ATTORNEY

Matthew Flamm, 26 Court Street, Suite 600, Brooklyn, New York 11242

an answer to the complaint which is herewith served upon you, within ____ days after service
of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by
default will be taken against you for the relief demanded in the complaint. You must also
file your answer with the Clerk of this Court within a reasonable period of time after
service.

J. MICHAEL McMAHON
CLERK

AUG 31 2007

DATE

DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEHAINA BAILEY, by his mother an
natural guardian Marcia Murray,

Plaintiff,

- against -

THE CITY OF NEW YORK, "JOHN DOE 1-
5," the names being fictitious and presently
unknown, being Police Officers employed
by the City of New York,

Defendants.

COMPLAINT

Jury Trial Demanded

2007 AUG 31 PM 4 40
CITY OF N.Y. LAW DEPT.
OFFICE OF CORP. COUNSEL
COMMUNICATIONS SECTION

Dehaina Bailey, by his mother and natural guardian, by his attorney,
Matthew Flamm, alleges the following upon information and belief as his
Complaint:

Nature of the Action

1. This civil rights action arises from the September 27, 2006 assault of Dehaina Bailey, who was sixteen years of age at the time, by as-yet-unidentified New York City Police Officers. Mr. Bailey suffered a broken jaw necessitating surgery. Plaintiff seeks declaratory relief pursuant to 28 U.S.C. §2201 as well as compensatory and punitive damages for violation of his civil rights under 42 U.S.C. §1983.

Jurisdiction and Venue

2. This action arises under the United States Constitution and 42 U.S.C. §1983. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 and §1343(3). Plaintiff asserts jurisdiction over the City of New York under 28 U.S.C. §1367. Plaintiff requests that this Court exercise pendent jurisdiction over those state law claims arising out of the same common nucleus of operative facts as do plaintiff's federal claims.